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MEETING OF THE DELTA STEWARDSHIP COUNCIL

HELD AT THE DSC OFFICE

980 NINTH STREET, SUITE 1500

SACRAMENTO, CALIFORNIA 95814

FRIDAY, JANUARY 11, 2013

1:00 P.M.

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REPORTED BY: JILLIAN M. BASSETT, CSR No. 13619

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I N D E X

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PAGE

PUBLIC COMMENTS BY:

BURT WILSON	3
WILLIAM EDGAR	15
BOB WRIGHT	30
CHARLES GAUDINER	48
KATHY MANNION	58
JOHN CEBELEAN	65
LINDA DORN	68

1 BE IT REMEMBERED, that on Friday,  
2 January 11, 2013, commencing at the hour of 1:00 p.m., at  
3 the Offices of Delta Stewardship Council,  
4 980 Ninth Street, Suite 1500, Sacramento, California  
5 before me, JILLIAN M. BASSETT, a Certified Shorthand  
6 Reporter in and for the county of Sacramento, state of  
7 California, was present and recorded verbatim the  
8 following proceedings:

9  
10 PUBLIC COMMENTS:

11  
12 BURT WILSON

13 PUBLIC WATER NEWS SERVICE  
14

15 MR. ISENBERG: Mr. Wilson, by the way, did  
16 something very helpful, ladies and gentlemen, when he  
17 filled out the form. He put on the form the part of the  
18 hearing today that he wishes to talk about, specified it  
19 as the Delta Plan. That's very important. We're hearing  
20 testimony on three related documents.

21 And Mr. Wilson, thank you for doing that.

22 MR. WILSON: I've been coming to these meetings  
23 since the Delta Vision Committee. So I've learned  
24 something.

25 MR. ISENBERG: Yes, you have. This is five years

1 of work on your part.

2 MR. WILSON: And having done that, I want to say,  
3 I appreciate the input of everybody. Chris got up to  
4 speed pretty fast, too. And I want to thank you all for  
5 your contributions.

6 I have a few things. First, about the coequal  
7 goals. Coequal doesn't mean build years apart.  
8 Coequal -- the dictionary definition is: Equal with  
9 another or each other in rank, ability and extent.

10 So since the bond for the Water Habitat  
11 Restoration is not going to be voted on until 2014 in  
12 November, I would say that that is when any work on the  
13 tunnels should begin. If they are even going to pass.  
14 Because then that makes everything coequal.

15 If the tunnel starts sooner -- and I know Jerry  
16 wants to get stuff done, and get the tunnel on. And I'll  
17 come back to that. But I think you may -- you're the ones  
18 that wrote the coequal goals, so --

19 MR. ISENBERG: No, Mr. Wilson, the legislature  
20 put in statute the coequal goals.

21 MR. WILSON: Okay. All right.

22 Now, in financing methods in the Delta Plan you  
23 have two general obligation bonds and revenue bonds. My  
24 understanding with Jerry Meryl is that the five brothers;  
25 the state and federal Water Contractors' Association are

1 going to be the principal beneficiaries and put up the  
2 money by revenue bonds for the tunnel. That is my  
3 understanding.

4 Revenue bonds, of course, do not require voter  
5 approval. And I think anything of the measure of a  
6 \$14-billion twin tunnels tearing up the Delta is something  
7 that should go before the People. Revenue bonds, the  
8 reason they don't require voter approval as it says here  
9 because they are secured by a dedicated revenue stream,  
10 such as water sales.

11 Now, are you going to tell me that MWD and  
12 Westlands Water District and all the others who are in the  
13 five brothers are going to make enough money off of this  
14 to finance \$14-billion of the twin tunnels? I don't think  
15 so. But I'm going to come back to that.

16 As far as the Delta Plan, chapter 1, line 16  
17 says: "Today the Delta is many things to many people.  
18 And is universally regarding crisis, because people have  
19 not yet been able to find balance in the tradeoffs among  
20 competing demands for the Delta's resources."

21 That sentence means nothing. The reason it's in  
22 crisis is because the Department of Water Resources  
23 increased the diversions to the Metropolitan Water  
24 District from 2000 to 2006 to make up for the MWD's loss  
25 of Colorado River water. I've given you a chart on this

1 before. And that's -- and all the pumps making  
2 reverse -- rivers run in reverse at that time, and  
3 everything else that happens when you pump water, has put  
4 the Delta in crisis. And I would like to see that change.

5 The Delta is in crisis because of extra DWR  
6 diversions to the MWD from 2000 to 2006.

7 Now, under the Delta problem, line 13, water  
8 experts --

9 MR. ISENBERG: Which page? Same page?

10 MR. WILSON: No, it's under the next division  
11 called, "The Delta problem."

12 MR. ISENBERG: Yes, page 16.

13 MR. WILSON: Okay. Line 13.

14 "These regulatory and court-ordered restrictions  
15 on state and federal pumping in 14 combination with the  
16 2000, 2009 drought significantly reduced exported water to  
17 the SWP and the CVP contractors."

18 It doesn't say that the court ordered the  
19 restrictions because the diversions okayed by the DWR to  
20 the MWD killed all the fish. And it was for this reason  
21 that Judge Wanger put in the court order to stop the  
22 diversions. Because it was literally ruining the Delta.  
23 It was killing all the fish. And that was the reason.  
24 And I would like to see that -- I would like to see a  
25 little transparency here on what really happened.

1           Now, Governments and the Delta Reform Act of  
2   2009, line 30 --

3           MR. ISENBERG:  Members, on the clean copy of the  
4   Delta Plan, that's page 18 starting at line 28.

5           Mr. Wilson, you may be using the red-line  
6   version.  But that's the section you're talking about.

7           MR. WILSON:  Okay.  The legislature established  
8   the policy of the state is to reduce reliance on the Delta  
9   in meeting future water supply needs through a statewide  
10  strategy of investing in improved regional supplies,  
11  conservation, and water use efficiencies.

12          Now, I want to talk about that for a minute.  
13  Because my whole problem with this is transparency.  That  
14  doesn't mean clouding over an issue with a bunch of words  
15  that don't mean much.  To me it means telling the truth.

16          And as far as this goes, I was at a BDCP meeting  
17  a while ago, and Jerry Meryl announced, "We're not going  
18  to take any new water from the Delta."  And I jumped up  
19  and said, "Well, then let's scrap the tunnels.  You know?  
20  Why are you going to have the tunnels if you're not going  
21  to take new water from the Delta?"

22          Well, I was like everybody else.  In fact, there  
23  were three protest groups today slamming Governor Brown  
24  for the tunnels in the Delta is going to take more water  
25  and stuff like that.  Would you believe that I have seen

1 the light, and I don't believe that more water is going to  
2 be taken from the Delta?

3 MR. ISENBERG: Please note it is 1:59 p.m. on the  
4 11th day of January 2013.

5 Madam Secretary, note Mr. Wilson's comment on  
6 this.

7 MR. WILSON: Now, let me tell you what I think is  
8 going to happen. I happened to watch a PPIC meeting by  
9 Ellen Hannick on water marketing. The reason for it was  
10 the transfer and exchange of water for compensation. And  
11 here we're talking about water sales.

12 Curt Aiken said -- and I quote -- "The twin  
13 tunnels will make it easier to affect water exchanges from  
14 northern to southern water markets. Ground water  
15 substitution and the need for infrastructure."

16 Mr. Hersh, Steve Hersh told the story one time  
17 that two-thirds of the water banked in Northern California  
18 went out to the ocean and there was no way to get it to  
19 the MWD because it went past -- it just went down the  
20 Sacramento River and went out because the Delta couldn't  
21 handle it to get it to the pumps. Mr. -- he said, "The  
22 infrastructure is there. Its environmental regulation is  
23 to hold up water supplies."

24 Well, all the sudden a bigger light when on.  
25 They're not going to take new water for the Delta. The



1 tunnels are actually there to facilitate water transfers  
2 from Northern California reservoir through the Delta to  
3 the five water districts who are going to control all of  
4 this. And this is surplus water. And they're going to  
5 sell the surplus water to the oil companies for fracking  
6 around Kern County and so forth.

7 Now, here's a map. And I will give it to you.  
8 You've probably seen this before. See the green is where  
9 the oil is and the red is where the natural gas is.

10 MR. ISENBERG: I can't remember. Is that a U.S.  
11 Geologic survey?

12 MR. WILSON: Geothermal.

13 MR. ISENBERG: I want to make sure for our record  
14 that we know what document you're referring to,  
15 Mr. Wilson.

16 Do you know the source of the document? An  
17 agency? A firm?

18 Could you give it to us later or shoot us an  
19 e-mail, if you would? And if you have a chance of sending  
20 copies, we can enter the copies into the record.

21 MR. WILSON: I'm going to leave these here with  
22 you.

23 MR. ISENBERG: Oh, okay. Thank you.

24 MR. WILSON: Look at the natural gas deposits  
25 under the Delta here. Now, in Greeley, Colorado currently

1 this is occurring. The water agencies are selling waters  
2 to the farmers for -- and this comes from the Colorado  
3 newspaper. Are selling water to the farmers for \$30 an  
4 acre foot. They're selling water to the oil companies for  
5 \$3,300 an acre foot.

6 Now, think of all our water transfers from all of  
7 the storage banks and the reservoirs in Northern  
8 California that's going to be shipped through the tunnels  
9 so Westlands Water District and everybody can sell it at  
10 inflated prices to the oil companies for fracking.

11 Now, I've been having a go with occidental  
12 petroleum. Because they want to drill 154 new shale wells  
13 this year down there. I wrote their PR Department and  
14 said, "Where are you going to get the water for this?"  
15 They wrote me back, "We do not discuss company  
16 operations."

17 So they stiffed me on that. But trust me, what  
18 we're setting up here is a way for surplus water from the  
19 north to be sent through the Delta to the water agencies  
20 who have no conscience about selling it for as much as  
21 surplus water for as much as they can get to the oil  
22 companies.

23 The oil companies are -- right now, they had  
24 a -- Bureau of Land Management had an auction the other  
25 day; 18,000 acres went in ten minutes. If this

1 continues -- and see, the debate isn't whether fracking is  
2 safe or not. And it's not safe. The debate is this state  
3 is going to be overrun with natural gas wells and oil  
4 wells. Because once you confiscate land in the Delta, you  
5 have a lease on that through the mineral rights, and you  
6 can get your mineral rights there. This is all being done  
7 for the oil companies.

8 And this is -- if I may go further?

9 This is part of a national energy plan that began  
10 in Dick Cheney's office two weeks after the inauguration  
11 in 2000. He invited all the oil company executives to  
12 private meetings over a number of months. None of the  
13 information on that meeting -- those meetings ever leaked  
14 out. It was stifled. Nobody ever got a hold of it. The  
15 only thing that leaked out was that the meetings were  
16 about national energy policy.

17 Now, here is what that policy is. And California  
18 and the Delta figure in that. And if you don't know this,  
19 you should know this.

20 When Obama, in his victory speech, said, "And  
21 we're going to achieve energy independence," and everybody  
22 screamed and yelled. And I'm sure half the people there  
23 meant solar and alternative energies. But no, you think  
24 the oil companies are going to allow that?

25 Here's the thing; California is the key to the

1 whole national energy policy. The natural gas and the oil  
2 deposits here. Not only California, but North Dakota  
3 which borders Canada, which the two have one of the  
4 biggest shale deposits ever existing right there. The  
5 keystone -- they want the keystone pipeline to go from  
6 North Dakota down to Texas where all the LNG terminals  
7 are. Right now LNG is cheap. You're going to see soon  
8 trucks running on LNG. It's so cheap that in foreign  
9 countries it's selling for three times the price here.

10 So we're going to export LNG to Europe. At the  
11 same time, we're going to export more coal to Europe and  
12 end the coal burning here. Because the greenhouse gases  
13 and things like that. Because coal is cheaper than  
14 natural gas in Europe. From California, we're going to  
15 export oil and natural gas to China. And we import  
16 8-million barrels a day right now. We produce  
17 six-and-a-half million barrels today. It's proposed that  
18 by the year 2020, we will double our production here. And  
19 California is going to be a big -- play a big role in  
20 that. That's thirteen barrels a day.

21 Where is it going to go? It's going to go to  
22 China to pay down the debt we owe to China. That's the  
23 whole big picture of the energy policy of the United  
24 States. And I tell them, it's going to turn California  
25 into a vast industrial wasteland. And the two tunnels are

1 the key to that. To letting the five water agencies -- no  
2 wonder they're going to pay for the tunnels. They're  
3 going to reap millions and millions and millions of  
4 dollars the way the water agencies in Colorado are doing  
5 now.

6 Not only that, cities are selling surplus water.  
7 They're driving tank trucks up to fire hydrants in  
8 Colorado and filling them with water for fracking. All of  
9 this for fracking.

10 So I wanted to bring that to your attention  
11 today. Because if we're not going to take more water out  
12 of the Delta, and we're going to build tunnels, what are  
13 we building the tunnels for? To transfer water from  
14 Northern California to the water agencies below the Delta.  
15 This is not a deal that won't be -- I believe they will  
16 probably be administered by the Department of Water  
17 Resources, right?

18 MR. ISENBERG: I don't know.

19 MR. WILSON: But water flows upward to money.  
20 Where the money is, the control is. It takes the control  
21 out of the state and turns it over to private enterprise,  
22 just like we've given the current water bank to  
23 Stewart Resnick down in Bakersfield now.

24 So these are all -- these are the real things  
25 that you are dealing with today. And I just wanted to

1 bring them to your attention. Because I don't think the  
2 Delta Plan -- the Delta Plan gives people the wrong idea  
3 of what's really happening with the tunnels and the plan.

4 Thank you.

5 MR. ISENBERG: Thank you very much.

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1                                    WILLIAM H. EDGAR

2                    PRESIDENT CENTRAL VALLEY FLOOD PROTECTION BOARD.

3  
4                    MR. ISENBERG:   Mr. Edgar?

5                    Members, for those of you who have not met him  
6 yet, Mr. Edgar is the current chair of Central Valley  
7 Flood Protection Board and former city manager of  
8 Sacramento and well known in this region. And a previous  
9 member of the old Reclamation Board, which was the entity  
10 that preceded the Flood Protection Board.

11                   Mr. Edgar?

12                   MR. EDGAR:   Thank you, Chair Isenberg, Members of  
13 the Delta Stewardship Council.

14                   My name is Bill Edgar. As Phil indicated, I am  
15 the president --

16                   MR. ISENBERG:   You've got to have the mic right  
17 in front of your -- yup. Even if you can't read your  
18 notes.

19                   MR. EDGAR:   I have with me this afternoon  
20 Tim Ramirez, who is also recently appointed and confirmed  
21 member of the board.

22                   MR. ISENBERG:   This is the high energy younger  
23 member of the board?

24                   MR. EDGAR:   Yes. Yes. Yeah. And our Chief  
25 Engineer Lynn Moreno is also here.

1           Mr. Isenberg, we'll be speaking on the  
2 regulations portion of this public meeting.

3           As an introduction, I don't think it's any secret  
4 to anyone that most of the appointments of the Flood Board  
5 have been done less than a year ago. And quite frankly,  
6 we've been drinking from a fire hose since that time. We  
7 were thrown into a very difficult and contentious  
8 plan-adoption process. And after six months of pretty  
9 hard work and a lot of support locally and regionally, we  
10 were able to have the plan adopted in June. Which is an  
11 on-time plan adoption. And we also now have a certified  
12 environmental document.

13           And I believe of all the plans we're talking  
14 about; the Water Plan, the Delta Plan, the BDCP, the Flood  
15 Plan, and so on, this is the only adopted plan with a  
16 certified environmental document that we have.

17           In addition to the Plan Adoption Process, we were  
18 kind of thrown a curve ball by the Corps of Engineers.  
19 And I don't know whether you read that in the paper or  
20 not. But after a series of inspections of all the  
21 levees -- we estimate, by the way, that there are probably  
22 95 percent of all the levees in our system that does not  
23 meet the Corps' standards. Therefore, they have started a  
24 process whereby they are incrementally removing reaches of  
25 the levees from the PL-8499 program. Which is, as you



1 probably know, the program which gives federal money to  
2 local agencies to rebuild levees after floods.

3 So this is a pretty big deal for us.  
4 Particularly, the local LMAs who are concerned about that.

5 Anyway, we've been worried about that. We've  
6 been fighting with them and going back and forth and  
7 talking about fixing levees; what we'd do about illegal  
8 encroachments; encroachments that are illegal that have,  
9 in fact, been permitted. Which is an interesting concept.  
10 And a number of other issues.

11 And the so-called U.S. Corps of Engineers  
12 Variance Process, which is called a SWIF, Systemwide  
13 Improvement Framework that the Department of Water  
14 Resources hates because it kind of diverts us from the  
15 implementation of plan.

16 But anyway, the Corps of Engineers is dealing  
17 with that. We understand now that the Corps is requiring  
18 a SWIF on almost every permit that you seek from the  
19 Corps, even though it's not statutorily permitted or  
20 required or anything else.

21 For example, the 408 Process, which is the  
22 federal process for reviewing flood improvements. For  
23 example, Safe Ca in the Natomas area has done that,  
24 Sabuf Ca (phonetic) is working on a 408 Process.

25 And the 104 Process, which is the reimbursement

1 process that we spend money first and get Corps' money  
2 later, they are requiring that a SWIF be included in that  
3 process. Which is a new and emerging requirement.

4 Mr. Isenberg, the bottom line is that our Board  
5 has not focussed on the issue of coordinating our  
6 Flood Plan implementation efforts with all the other plans  
7 that are going on.

8 I mean, we received a staff, and now that our  
9 plan has been adopted, our big issue now is, how does this  
10 plan fit into all these other plans? And do they work?  
11 And what are we meaning?

12 Well, we are right now implementing a very robust  
13 process of regional planning. The Flood Plan called for  
14 nine regional planing efforts in nine regions. We're down  
15 to six areas now. Some have been consolidated and went  
16 back and forth. We now have six planning areas throughout  
17 the system in which the plan is going to be implemented.

18 Bottom line is they are preparing the plans,  
19 regional plans. The Department of Water Resources will be  
20 in fact influencing those regional plans by commenting on  
21 system -- the need for systemwide improvements and  
22 Fitzroy (phonetic). Which is an organization that is run  
23 by the Department of Water Resource. I think it stands  
24 for Flood Safe Environmental Stewardship -- something or  
25 other -- Office. But whatever that is, they are going to

1 be coming out with their environmental goals and  
2 objectives and of course they also have to be involved in  
3 the planning.

4 Now, all of this said, as we move towards  
5 designing of projects and implementation planning and  
6 toward construction, we are going to have to figure out  
7 how these plans -- how these implementations, who gets  
8 what permit from what and how these all work with all  
9 these other plans that are going on. And to be honest, I  
10 don't have a clue how that's going to happen.

11 Gary Bardini in Department of Water Resources has  
12 a vision for how this is all going to work. But you've  
13 got me on how it's all going to work. And it may work.  
14 And he's tried to explain it to me, and I don't understand  
15 it. But he's good at it. So he can do that.

16 We had a presentation at our board meeting this  
17 morning given by the department on how the Water  
18 Management Plan is going to integrate all of these  
19 different plans that are going on. And we were told this  
20 morning that nobody's statutory authority, nobody's  
21 current area of responsibilities and jurisdictions are  
22 going to change. We are going to work together, is what  
23 we were told. Well, that's funny. And that's what we  
24 want to do.

25 But getting back to the subject at hand, which is

1 the Delta Stewardship Council's proposed regulations, we  
2 had, for the board -- the new board, we had our  
3 presentation given by the staff yesterday. It raised some  
4 concerns about regarding the regulations, namely  
5 inconsistencies. This was in the staff report. And I  
6 don't know whether this is true or not, we haven't had  
7 time to really look at it. But raises a lot of concerns  
8 regarding the regulations, inconsistencies between boards,  
9 Central Valley Flood Protection, Title 23 Regulations, and  
10 those proposed by the Stewardship Council staff.  
11 Overlapping responsibilities and the need for a  
12 jurisdictional authority between board and council, and  
13 inconsistencies with existing state laws and regulations,  
14 and the need for definitional clarity was raised.

15 So after some discussion at the board meeting  
16 yesterday, and I believe Tim Ramirez can correct me if I'm  
17 wrong, that the Board did not believe that the legal  
18 council had the appropriate time to analyze our staff  
19 comments, nor has the Board had an opportunity to properly  
20 consider the issues raised.

21 DWR's legal council was at the meeting and  
22 expressed some concerns about these kinds of issues. And  
23 they will be submitting comments to you by your deadline,  
24 and probably be making appearance at your public meeting  
25 on the 24th is what we're told.

1           So now some of the Board members and staff have  
2 asked that I ask you for a continuance or postponement of  
3 the deadline for comments. I'm not going to do that.  
4 Because I don't think you'll grant it, No. 1. And No. 2,  
5 I'm not sure you should. When our friend Melinda Terry  
6 asked us whether we would grant an extension for the  
7 Flood Plan decision, we said no. And the reason we said  
8 no is because we were up against the statutory deadline  
9 and a lot of pressure to get it adopted and so on. And  
10 I'm sure that's what the situation is. So I'm not going  
11 to ask for an extension.

12           But we are going to ask for the ability -- and I  
13 think your staff has already offered that ability to work  
14 with the Board and try to: No. 1, work out these alleged  
15 inconsistencies or issues that have been identified by  
16 some of the attorneys.

17           And to that end, we are going to submit kind of a  
18 general letter by your deadline outlining some of the  
19 issues that we see on the regulations. We will establish  
20 a Board Committee to accompany our staff so that the Board  
21 is more up to speed on these issues. And we'll try to get  
22 them resolved in more of a face-to-face discussion and  
23 meetings, rather than everybody lawyering up and -- you  
24 know -- slugging it out. Because I don't think that's  
25 going to help anybody.

1           So that's what we're proposing to do, and we'll  
2 then hopefully followup with a more detailed letter and so  
3 on.

4           And we'd request your -- that you consider the  
5 comments and suggestions, and you work with us to see if  
6 we can make these things work out.

7           And frankly, you're going to get a lot of  
8 comments on these kinds of issues. "Well, wait a minute,  
9 the Flood Board says -- the Title 23 Flood Boards says  
10 this, and yours says this." You're going to get a lot of  
11 that I'm sure from DWR, and a little bit from us. But  
12 quite frankly, we're not as far along as they are.  
13 They've been working on this for some time.

14           On existing authorities of overlap of  
15 responsibilities and all of that is going to come before  
16 you. And those issues really need to be worked out and  
17 resolved, I think, on face-to-face examples.

18           But I'm less interested in that as I am process.  
19 How is all this going to work? For example, we have  
20 authority over permitting encroachments on levees, project  
21 levees defined by the system. That's what we do. We also  
22 enforce encroachments. Not doing a great job with that,  
23 but that's what we're supposed to be doing.

24           And so the question is, how -- if somebody comes  
25 in, makes a permit application to us to do some

1 improvements, minor improvements, major improvements,  
2 whatever they are, to the levees. Or in the case of we  
3 found one encroachment in Cash Creek where a person  
4 actually dug into the levee and put in a wine cellar.

5 MR. ISENBERG: Probably pretty cool.

6 MR. EDGAR: We've got to do a better in enforcing  
7 those kinds of things.

8 But the fact of the matter is, people don't get  
9 it. I mean, these are our first lines of public safety.  
10 You don't put wine cellars in the levees, and you don't  
11 put swimming pools in the levees. We -- just anecdotally,  
12 we took a look at a little pocket here. And what's the --

13 MR. ISENBERG: Not far from what Mr. Edgar,  
14 himself, lives.

15 MR. EDGAR: I know. But what's the universe of  
16 the problem? We don't even know. We don't know what the  
17 encroachment problem is. We don't have a database, we  
18 don't have a map. I mean, we just don't know. And that's  
19 going to take a lot of work to figure out. But  
20 anecdotally, in six miles of the pocket area, just an  
21 example, there were 23 swimming pools. Many of which were  
22 encroaching into the clearance area. Some of which were  
23 actually embedded into the levees.

24 Now, I guess if you keep the swimming pool  
25 filled, it would be okay. But you know how that works.

1           So anyway, there's a lot of problems here. And  
2 I'm interested in somebody coming in, asking us for a  
3 permit, or we're required to enforce an encroachment in  
4 the Delta. How does that work exactly? Somebody submits  
5 a permit to us, we review it and we -- I guess we would  
6 send it on to you to make a finding of compliance with the  
7 Delta Plan, and then --

8           MR. ISENBERG: Mr. Edgar, I'd like to renew a  
9 suggestion we made long before you and Mr. Ramirez were  
10 appointed to the Board.

11           One of your other current Board members,  
12 Mr. Valine and staff had come over and visited and we had  
13 mentioned that we had already entered into memorandums of  
14 agreement with the Bay Delta Conservation Commission and  
15 what is now called the Department of Fish and Wildlife of  
16 the State of California, essentially setting up a process  
17 of review and contact and evaluation. And we kind of  
18 generally made that offer both to the Board, but also to  
19 other state agencies and even local agencies.

20           I think there is a lot to be said for that  
21 approach for your consideration.

22           MR. EDGAR: Yeah. You have offered that, as I  
23 understand it from the staff. We have taken a look at  
24 that. It has to be a lot more specific as to describing  
25 the process. The title twenty -- you know me. I'm a city



1 manager. I need to know how things are going to work,  
2 Phil. I mean, this stuff of policy and planning is fine.  
3 But tell me how it's going to work. Somebody comes in for  
4 an application, you go through the process -- which people  
5 hate, by the way. They think it's too long. They think  
6 it's onerous. And we're proposing that we charge for it.  
7 I've never heard of a system where you get free -- where  
8 you never collect a fee for a permit. We never did that  
9 at the city for heaven's sake. You come in and you pay  
10 for it.

11 MR. ISENBERG: Never?

12 MR. EDGAR: Never. Well, we shouldn't, anyway.  
13 It's a time process and they hate the whole thing. I  
14 think the memorandum agreement has to be done. We were  
15 told this morning that's kind of where everybody is going.  
16 They need to get together on these. They have to begin to  
17 manage horizontally, not vertically. That's exactly what  
18 we need to do.

19 But still, this process, to me, is going to add  
20 time. And which will drive everybody crazy. So we need  
21 to do something to fix that.

22 MR. ISENBERG: Even before the new members of the  
23 Board were appointed, I never thought there were  
24 fundamental barriers between council's activity, the new  
25 legislation that created us and gave us our duties, and

1 the Flood Board. It just seems to me that they're  
2 compatible. You do, however, have a geographical range of  
3 activity up and down the Central Valley that is outside  
4 our statutory directed area. And conversely, we have  
5 territory that's not within the Flood Board's kind of  
6 thing. The heritage of government setting up multiple  
7 agencies to do similar kinds of things. So I'm confident  
8 that we can resolve some issues.

9 And we've benefitted from the letters that have  
10 actually cranked out of the Flood Board in 2011 and 2012  
11 on the plan, the environmental impact report and so on.

12 MR. EDGAR: Yeah. As I said, I think those  
13 problems can be worked out, Phil. I'm interested in  
14 process. The Title 23, specific -- is very specific. And  
15 I know Chris has looked at those -- both Chrises -- and  
16 always looked at Title 23. Very specific as to what's  
17 required and so on. And we'll have to get in that kind of  
18 detail to deal with this, I believe. And we need to do  
19 that.

20 MR. ISENBERG: Mr. Notolli?

21 MR. NOTOLLI: Just in light of Bill's outline and  
22 certainly having a little of background from this  
23 council's work, but also on other realms. I think that I  
24 want to say I appreciate Bill being here on behalf of the  
25 Board and his work and leadership in this arena. I think

1 he's talked to some of the challenges that his Board and  
2 colleagues and certainly the entity that he is responsible  
3 for have and was according with. But I think  
4 understanding the implications of plans and policies is  
5 very important, particularly at the project level.

6 I guess I have a local government perspective  
7 with not only what the intended consequence is and the  
8 intended outcome. But also when I hear Bill chose his  
9 words, and he picked them pretty carefully, but  
10 "inconsistency," "overlap," "lack of clarity," those  
11 things aren't without the ability to be resolved. But I  
12 think it takes work and understanding. But I think in the  
13 institutional framework in which a lot of people work, for  
14 the party who is the permittee, that is where it really  
15 meets -- the rubber meets the road. And when maybe they  
16 don't want to be before you begin with, but they have to  
17 by virtue of getting permit and doing things properly.  
18 Then you add time to that and cost to that. And then if  
19 there wasn't cost before, now I'm paying you to frustrate  
20 me more and delay me more.

21 All built into that mentality, yet you want  
22 people to do the right thing and want agencies to enforce  
23 their requirements properly and fairly. So I guess I  
24 would say to your request, it seems to me to be one that's  
25 reasonable. And I know that Phil weighed in and certainly

1 the understanding we have from what you portrayed today,  
2 there needs to be work done certainly at the respective  
3 staff level. But as we go forward and consider these  
4 regulations, it's important to know the implications and  
5 what it means to folks at the ground level of those,  
6 whether it be agencies, and certainly a lot of cases  
7 individuals, some organizations that are going to be  
8 seeking permits from your body and obviously from time to  
9 time come before this council for review of consistency  
10 and/or other certifications.

11 So I concur. I think it's in everybody's best  
12 interest to do that sooner than later, Bill. So I think  
13 what you've offered today is important so hopefully Chris  
14 and our staff will latch onto that quickly.

15 MR. ISENBERG: Ms. Gray? Don't touch it.

16 MS. GRAY: I want to thank you for coming this  
17 afternoon.

18 You know, I think one of the things that are very  
19 important -- and I've heard basically the same anxieties  
20 that a lot of folks have about the plan is that they're  
21 still not sure, in fact, how things will work. And I  
22 think you make that point very well today.

23 And I know there's an Implementation Committee  
24 that will be part of the process once the plan is  
25 approved, but perhaps there's a need to have a workshop

1     that will clearly state -- figure out what the process is,  
2     what role we play, what role your Board plays or any other  
3     agency as it looks at different parts of the plan.

4             So perhaps that's something that council can  
5     consider as we move on. Because it's a great  
6     accomplishment to approve a plan and focus a big part of  
7     the process. But people don't really understand how  
8     things work. Then it's not always clear that people are  
9     supportive or really will move forward in a positive way.

10            So I think that's a very important element of it.  
11     So I think at some point council needs to consider  
12     something like that as part of moving on after the plan is  
13     completed.

14            MR. EDGAR: We'd certainly be happy to  
15     participate in something like that, Ms. Gray.

16            Thank you.

17            MR. ISENBERG: Thank you, sir.

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1                                   BOB WRIGHT

2                                   ENVIRONMENTAL WATER CAUCUS

3  
4                   MR. ISENBERG:   The next speaker is Mr. Wright.  
5                   And after Mr. Wright is Mr. Gaudiner.

6                   Mr. Wright?

7                   Members, Mr. Wright is representing the  
8                   Environmental Water Caucus, Friends of The River and  
9                   Restore the Delta, right?

10                  MR. WRIGHT:   Yes, Mr. Chairman.

11                  MR. ISENBERG:   Thank you, sir.

12                  MR. WRIGHT:   Good afternoon, Mr. Chairman and  
13                  council members.   My comments go to the recirculated draft  
14                  environmental document, the Delta Plan and the regulations  
15                  of approaching this in part from a legal perspective.  
16                  It's necessary to consider all of the documents that are  
17                  out there, because of course the environmental impact  
18                  reports, what they address is the project, and the project  
19                  in this case is your plan and your regulations.

20                  And I've got a number of points to make.   And the  
21                  first one -- one thing that really jumped out at us is the  
22                  double whammy of at this time calling for new conveyance  
23                  upstream from the Delta.   And we all know from what's  
24                  going on with the BDCP, the Delta tunnels, that's a major  
25                  new conveyance.   They're talking about twin tunnels with a

1 capacity of diverting 15,000 cubic feet per second out of  
2 the Sacramento River in the Clarksburg vicinity and taking  
3 it around to the Tracy pumping plants.

4           They have said that -- they claim they've scaled  
5 it down by calling for three intakes instead of five, so  
6 the intakes would be capable of diverting 9,000 cubic feet  
7 per second. The tunnels are 35 miles long. They're going  
8 to cost billions of dollars. Obviously you would only  
9 build tunnels at that capacity if that was the water you  
10 eventually intended to take. And it would be very easy to  
11 add two more intakes down the road. And we submit that,  
12 with all due respect, that's what must be considered under  
13 SEQUA, our environmental laws.

14           The thing that jumps out, is in your own plan, at  
15 page 80, there is some candor there. And it says that as  
16 a result of climate change we can see sea level rise as  
17 much as 55 inches by 2100. And it says that that will  
18 result in high salinity levels in the Delta interior,  
19 which will impair water quality for agriculture and  
20 municipal uses and change habitat for fish species.

21           So what just jumps out as being absolutely  
22 astonishing is recognizing that. We all know the Delta  
23 already has a problem with salinity intrusion from the  
24 bay. The plan has statements in it where it recognizes  
25 and candidly does admit that a lot of that is due, of

1 course, to the already extensive diversions of water from  
2 the Sacramento River and from the Delta.

3 In light of that, to add massive new conveyance,  
4 improved conveyance, optimizing diversions in the wet  
5 years, it just looks like creating a massive double  
6 whammy. Kind of a two-front war for the Delta facing a  
7 surge of salinity intrusion from the Bay. And at the same  
8 time taking out the fresh water upstream from the Delta.

9 Now, if you went instead with the alternative  
10 that the Environmental Water Caucus is called for, which  
11 you've numbered as Alternative 2, to maintain through  
12 Delta conveyance in continue pumping from the South Delta.  
13 At least the fresh water that the exporters take remains  
14 in the Delta. It's there to be used, to help fight  
15 pollution, help fight salinity intrusion, help protect  
16 agriculture, commerce, and endangered fish species before  
17 it's taken. And what that also does is it keeps everybody  
18 on the same page. And that the exporters like the Delta  
19 itself do have some interest in trying to win the war  
20 against salinity intrusion in the Delta, because they also  
21 are presently taking from the south end of the Delta.

22 If this new conveyance that your plan is in  
23 regulations encourage and recommend. If that comes about,  
24 then the sky is the limit. The exporters will be taking  
25 water upstream from the Delta and not be affected by the



1 salinity intrusion, and the Delta would be left to face  
2 this on its own.

3 And as I said, you have to kind of look at all of  
4 your documents together. In your recirculated draft EIR  
5 in section 3, at page 3, it does make this generalized  
6 admission. That operations of new water supply  
7 facilities, such as pipelines, tunnels, canals, water  
8 intakes or diversions may create long-term changes in  
9 local mixtures of source waters within water bodies.

10 In my book, in my experience, that might pass  
11 muster under SEQUA as an initial statement. What you  
12 start out the process -- initial study, what are the  
13 issues that we need to address in our EIR? That is far  
14 too general. It doesn't mean anything. It doesn't tell  
15 us anything about the extent of the changes, the severity  
16 of the impacts. It just doesn't pass muster in an EIR.  
17 An initial study maybe, but not in an EIR.

18 I'd like to turn to the next subject a little bit  
19 related in your recirculated environmental document in  
20 section 2 of page 24. There's some very vague information  
21 on funding and mitigation. And what we think the  
22 situation is, as these massive diversions of fresh water  
23 upstream from the Delta, of course, they were threatened  
24 turning the Delta -- which is already in danger -- into a  
25 polluted and salty wasteland. But the exporters wouldn't

1 be paying to fight that problem or attempt to mitigate it.  
2 That would be stuck on the taxpayers and the business and  
3 agricultural and fishing interest in the Delta itself.

4 We think that's wrong. And we think if you're  
5 going to encourage this kind of diversion of water  
6 upstream from the Delta, then the exporter should be  
7 taking the water and benefitting from it. The only right  
8 and just thing to do would be to have them pay for  
9 everything caused by what they've taken.

10 Now, that's kind of a policy view, but there's  
11 also a legal issue there under the Endangered Species Act.  
12 The 9th Circuit recently came out with a decision in  
13 Center for Biological Diversity versus United States  
14 Bureau of Land Management. It's called the Ruby Pipeline  
15 Case. We're citing it in our written comments. I'll be  
16 happy to furnish citations orally if you want me to.

17 MR. ISENBERG: It'll come in the written version.

18 MR. WRIGHT: It'll be in the written version.

19 They've made it really clear, there's no  
20 discretion under the Endangered Species Act to authorize a  
21 project that would jeopardize survival of listed fish or  
22 adversely modify critical habitat. And also mitigation  
23 measures, they must be there, they must be real and  
24 assured. And what I said earlier about the exporters  
25 trying to shift the cost of attempting to deal with a

1 massive destruction, these massive diversions were caused  
2 in the Delta, is that bond measures have already been  
3 pulled from the ballot twice; 2010, 2012. So there's  
4 obviously no certainty that the people, the taxpayers are  
5 going to pass bond measures to pay for this.

6 So we believe you have a real legal problem under  
7 the Federal Endangered Species Act and the decisions under  
8 that, if you don't require absolute, as part of the  
9 project, they mitigate, they pay for everything.

10 The next subject I'd like to turn to is your  
11 plan. And it sounds -- I can see the appeal to it. It  
12 calls for optimizing diversions in wet years, and as  
13 mentioned in your plan on page 72 and also page 11. But a  
14 different part of your plan on page 84 recognizes the  
15 adverse impacts in result of reducing the flushing of  
16 San Francisco Bay by Delta outflows.

17 And I've got a document that I'm going to give  
18 after I've spoken to Angela of your staff to put in the  
19 record. It's a technical memorandum 2010 by the Contra  
20 Costa County Water District where they did studies showing  
21 the historical flushing of the Delta where fresh water is  
22 no longer occurring. This lack of flushing can also allow  
23 waste from urban and agricultural development upstream and  
24 within the Delta to accumulate. And contaminants and  
25 toxins have been identified as factors in the decline of

1 the Delta ecosystem.

2           What that means for you and what's required in  
3 your environmental documents instead of just coming  
4 up -- "Well, we have this idea we're going to optimize and  
5 increase diversions in the wet years." That has to be  
6 analyzed, or there has to be environmental analysis of the  
7 extent, the severity, and adverse environmental  
8 consequences from further reducing the already reduced  
9 necessary flushing of the Delta and the Bay. And we've  
10 looked, we've scrutinized. We haven't seen a peep about  
11 that anywhere in your environmental document.

12           The next subject I'd like to spend a moment on is  
13 just the backwards description of the project purpose and  
14 conflict with the Water Code. Your recirculated  
15 environmental impact report claims that the revised  
16 project will lead to reduced reliance on Delta exports.  
17 That's in the executive summary at page 2.

18           Your plan at page 72 admits that the  
19 Delta Reform Act established a new policy in the  
20 Water Code of reducing reliance on the Delta and in  
21 meeting California's water supply needs. So we can  
22 understand why the claim is made. But when you look at  
23 the undisputed facts, when you talk about creating massive  
24 new conveyance and intake structures that are projected to  
25 cost around \$14-billion, that isn't reducing reliance on

1 the Delta. That's increasing it. That's a huge expensive  
2 Public Work's Project. And what we call upon you to do is  
3 either, well, drop the call for new conveyance, improve  
4 conveyance, anything other than maintaining existing  
5 through-Delta conveyance. Or require your EIR consultants  
6 and repairs to candidly set forth that this would not  
7 reduce reliance on the Delta. The truth is this would  
8 increase reliance on the Delta.

9 And that's what we call upon you to do. Is  
10 either drop it -- that's our first choice. But if you  
11 don't drop it, require candor and serve the people and all  
12 of the folks involved in this and interested in it with a  
13 really candid admission. Because that's the kind of thing  
14 that nobody is really going to buy that. It's just kind  
15 of like if I was to claim right now that it's nighttime  
16 outside. Well, it's not. It's daytime. Anybody can say  
17 that, but it doesn't make it so.

18 And in fact in your recirculated environmental  
19 document in section 24 at pages 13 and 14, there that sets  
20 out that when you use resources, you make a large  
21 commitment of resources, that makes removal or nonuse  
22 therefore unlikely and generally commits future  
23 generations to similar uses.

24 So in other words, if you build it, it's going to  
25 be used. And that's going to be increasing reliance on

1 the Delta, not reducing.

2 I appreciate your attention and listening. So  
3 I'm going to speed things up and skip over a point. I'll  
4 make that in writing. I have until Monday to do that.  
5 It's much appreciated.

6 And this one, your recirculated environmental  
7 document makes some very general admissions of significant  
8 adverse and unavoidable impacts of the revised project,  
9 including its call for improved or new conveyance. In  
10 section 24 at page 10 there's just this general line that  
11 says, "Water -- significant and unavoidable impacts of the  
12 revised project would include water resources, violate any  
13 water quality standards, or waste discharge requirements,  
14 or substantially degrade water quality."

15 Again, it's admitting the obvious. It is true.  
16 It's so general, it's absolutely meaningless. And you  
17 also include on the same page, page 10 of section 24, the  
18 statement: "The significant and unavoidable environmental  
19 impact would include biological resources, including  
20 substantial adverse effects on sensitive natural  
21 communities, including special-status species, substantial  
22 adverse effects on fish or wildlife habitat."

23 That's true. Again, it's so general, to be  
24 meaningless. And what I and all of the organizations I'm  
25 here representing are saying to you for the first time

1 this afternoon is, your draft EIR and your recirculated  
2 draft EIR under the law are so fundamentally and basically  
3 inadequate and non-conclusory in nature, that meaningful  
4 public review and comment has simply been precluded. And  
5 that under SEQUA guideline section 15088.5(a)4, it is  
6 necessary that you prepare, in order to comply with law, a  
7 new draft EIR and recirculate that for public review.

8 Just think about it. What does that tell anybody  
9 that -- "Well, our revised project we've chosen will  
10 violate water quality standards and substantially degrade  
11 water quality." Okay. What standards? By what  
12 pollutants? To what degree? How severe will it be?

13 There's a huge difference between a person  
14 catching a cold and, unfortunately, having a terminal  
15 illness. It's like day and night. Your environmental  
16 documents that your consultants have prepared, they don't  
17 give a clue. Again, maybe it would pass muster as an  
18 initial study starting the SEQUA process; not pass muster  
19 as an EIR ending the SEQUA process.

20 This next point is really very, very important.  
21 And that's the absence of information and analysis  
22 supplied by your environmental documents. And, again,  
23 there's a case site in the written comments. The name of  
24 the case is Vineyard Area Citizens for Responsible Growth  
25 versus the City of Rancho Cordova. It's a 2007

1 California Supreme Court Case. It's SEQUA case dealing  
2 with water supply issues that frankly paled in  
3 significance -- that was for a development project -- to  
4 the water supply issues here. And the California  
5 Supreme Court made it clear that the EIR must provide  
6 facts that allow the reader to evaluate the pros and cons  
7 of supplying the needed amount of water, must analyze the  
8 environmental impacts of utilizing the particular  
9 resources of long-term water supply, and that the key is  
10 that an EIR that neglects to explain the likely sources of  
11 water and analyzer impacts, but leaves long-term water  
12 supply considerations to later stages of the project, does  
13 not share the purpose of sounding an environmental alarm  
14 bell before the project has taken on overwhelming  
15 bureaucratic and financial momentum.

16 And that's absolutely what we're concerned about  
17 here. Delta Plan calls for new and improved conveyance.  
18 Then the BDC process, they finish Delta tunnels. And, oh  
19 by the way, this is consistent with the Delta Plan,  
20 because the Delta Plan called for new and improved  
21 conveyance. And that's what we're doing.

22 What I'm saying to you, Mr. Chairman and council  
23 members, is that you're in a historic position. I would  
24 submit to you that the State Water Resources should be  
25 going first to do its analysis under the Public Trust



1 Doctrine, Cost Benefit Analysis, determine water  
2 availability. Get all that worked out before you enact  
3 the Delta Plan or DWR comes up with a BDCP. But you  
4 apparently are first in line at least right now. And what  
5 I would submit to you is that in order to comply with the  
6 law, you have to insist that that kind of work and  
7 analysis all be done before you call for new conveyance.  
8 Either by having the work done yourself. And you may not  
9 have the resources to do that. And everybody thinks  
10 that's for the State Water Resources Control Board.  
11 Insist then that they do it before you call for new or  
12 improved conveyance.

13           There's something else that is hugely important  
14 on this. Your draft EIR -- and by the way, section 23,  
15 dealing with BDCP was incorporated by reference by the  
16 recirculated draft EIR. And since it's incorporated by  
17 reference, I'm going to comment on that. And at pages 3  
18 and 4, they actually did a good job of saying what had to  
19 happen under SEQUA. They said, "The BDCP must comply with  
20 SEQUA including a comprehensive review and analysis of a  
21 reasonable range of flow criteria, rates and diversion,  
22 other operational criteria, requirements and flows  
23 necessary for recovering the Delta ecosystem and restoring  
24 fisheries under a reasonable range of hydrologic  
25 conditions, identify the remaining water available for

1 export and other beneficial uses, consider a reasonable  
2 range of Delta conveyance alternatives including through  
3 Delta."

4 The potential effects of climate change,  
5 including what I mentioned earlier that sea level rise up  
6 to 55 inches and possible changes in precipitation and run  
7 off patterns and so forth.

8 Your draft EIR was correct on that, on what was  
9 necessary. What stands is an undisputed fact that you  
10 have to -- well, you're going to do what you're going to  
11 do. But I would suggest to you, you need your consultants  
12 and attorneys to make sure it's done is to recognize an  
13 undisputed fact that simply did not happen. What had  
14 happened was, in your draft EIR at page 3, they had  
15 anticipated that a public draft of the BDCP and related  
16 EIR/EIS would be released by mid-2012. Simply didn't  
17 happen. And Deputy Director Jerry Meryl just said at the  
18 last public meeting in December that even the nonpublic  
19 draft is not going to come out until February and the  
20 public draft is not going to come out until the spring of  
21 2013.

22 What I'm telling you is that by proceeding now to  
23 adopt the Delta Plan and regulations calling for new  
24 conveyance, since that work that they thought was going to  
25 be done didn't get done, the process kind of would stand

1 indicted and convicted by your own draft EIR. And that's  
2 a pretty serious problem.

3 Again, our point is that some public agency has  
4 to do this work under SEQUA, the Public Trust Doctrine,  
5 before new conveyance is called for. That's the most  
6 important part of the whole decision making process.  
7 Whether or not to build or not to build. To build or not  
8 to build new conveyance. That's huge, and that's what has  
9 simply been absolutely overlooked; just treated as a  
10 given, an ipse dixit or an assumption.

11 And that jumps into my next point; not now, not  
12 ever. Back in May of 2011 the National Academy of  
13 Science, when it was reviewing the draft BDCP plan said  
14 that choosing the alternative project before evaluating  
15 alternative ways to reach your preferred outcome, would be  
16 post-talk rationalization. In other words, putting the  
17 cart before the horse. Scientific reasons for not  
18 considering alternative actions are not presented in the  
19 plan. That's still true today. Scientific reasons have  
20 not been considered and evaluated for not considering  
21 alternatives grounded on not building and developing new  
22 conveyance.

23 There's another problem with your recirculated  
24 draft EIR, is between your last environmental document and  
25 the recirculated one, the federal and state fishery

1 agencies came out last year with the red-flag warnings.  
2 We've scrutinized the recirculated environmental impact  
3 report. Didn't see a clue about that. Didn't see a clue  
4 about the National Academy of Science's determination that  
5 scientific reasons for not considering alternatives have  
6 not been considered.

7 What I would say to you -- and again, I do  
8 appreciate it, and I'm wrapping up. Two or three more  
9 points.

10 I'm trying to help here because we know we face a  
11 stacked deck with the BDCP. The exporters want the water,  
12 they're in control of the process. Our hope is -- we got  
13 hope in two places. One is the State Water Resources  
14 Control Board with board members, and the other is your  
15 council with different members on it. And substantial  
16 evidence includes things like facts, reasonable  
17 assumptions predicated on facts, expert opinion supported  
18 by facts, argument, speculation and narrative doesn't  
19 muster under SEQUA guideline section 15384.

20 And I submit to you that everything that's been  
21 done so far in calling for new conveyance, calling for  
22 adopting the revised project alternative, and fails to  
23 address and analyze the admitted significant adverse  
24 impacts on water quality and endangered species in the  
25 Delta is simply that; argument, speculation, narrative and

1 doesn't pass muster.

2           Same is true for your recirculated environmental  
3 document in section 25 of page 17, says an alternative,  
4 too, is submitted by the Environmental Water Caucus is  
5 slightly inferior to the revised project. Because it  
6 would sharply reduce exports from the Delta, potentially  
7 creating a supply shortfall. Stating potentially, again,  
8 there has to be a narrative in speculation. We say,  
9 again, it's on a number of points that it's necessary to  
10 prepare a new draft EIR and recirculate. Because the  
11 draft and recirculated document out there so far has  
12 simply been too inadequate to furnish a form public  
13 review.

14           On a different subject, you have an absence of an  
15 accurate stable --

16           MR. ISENBERG: I'm going to have to give you no  
17 more than five minutes and hopefully less than that.

18           MR. WRIGHT: I appreciate it. And that's fine.

19           On the project description there are very vague  
20 things in your environmental documents in section 2 at  
21 page 5 talking about surface water projects, conveyance  
22 facilities. In section 2 of page 26 you say that the  
23 revised project would not have direct impacts or directly  
24 result in construction, but could, however, result in  
25 implication of actions or development of projects.

1 But since your draft document was out,  
2 Deputy Director Meryl said what this project is in June of  
3 last summer. The two tunnels, 35 miles long, 50,000 cubic  
4 feet per second. The Governor confirmed that at his  
5 special press conference in late July 2012. And I would  
6 say to you that SEQUA informational purpose is not  
7 satisfied by simply stating information on the details  
8 provided in the future. And, again, that's in that  
9 Vineyard Area Citizens case.

10 Last couple quick points. We heard talk about  
11 economics and cost. Your recirculated EIR should have  
12 disclosed and discussed the university of pacific cost  
13 benefit study. That came out in July showing that the  
14 cost of the Delta tunnels would be two-and-a-half times  
15 higher than the benefits. So the project doesn't make  
16 economic or financial sense. Because in terms of the  
17 public preparing alternatives, that is relevant  
18 information to know that in addition to all of the  
19 environmental reasons to not go forward, the project also  
20 is a bad deal when you look at cost benefit analysis. And  
21 I'm going to give that to Angela as well.

22 A final point is simply there's been a failure to  
23 evaluate upstream impacts. Your Delta Plan recognizes  
24 changes in storage and flows for fish at pages 80 and 91.  
25 This project new conveyance would have enormous impacts

1 requiring changes in reservoir operations upstream,  
2 affecting minimum flows, storage so forth for fish  
3 presentation purposes.

4 I would simply wrap up and conclude by saying  
5 that the first step in this whole deal is whether to call  
6 for new conveyance. That's a huge deal. That's on your  
7 plate. What we do is we object to approval of the plan  
8 and regulations in so far as they call for new conveyance,  
9 optimizing diversions, improve conveyance, and say that  
10 it's necessary to do the work, do the analysis before  
11 calling for that.

12 We do think that calling for new conveyance would  
13 start the journey that we believe would strike the last  
14 nail into a coffin for the Delta. That's why we're  
15 fighting so hard in trying to get that from happening.

16 Thank you. I'll leave my contact information to  
17 your staff and submit the exhibits to Angela. And the  
18 written comments of the Environmental Water Caucus, you'll  
19 receive those on Monday.

20 MR. ISENBERG: Thank you very much.

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1                                   CHARLES GAUDINER

2                                   DELTA VISION FOUNDATION

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4                   MR. ISENBERG:   Mr. Guadiner, and after  
5 Mr. Gaudiner, Ms. Mannion.

6                   Mr. Gaudiner?

7                   MR. GAUDINER:   Good afternoon, Chair Isenberg and  
8 council members.   Thank you very much for the opportunity  
9 to comment.   I will really try and be brief here.

10                  Charles Guadiner from Delta Vision Foundation.  
11 As you know, the Delta Vision Foundation was formed to  
12 monitor and report on the progress of state agencies,  
13 federal agencies and others in implementing the  
14 principles, actions, strategies, and goals identifying  
15 Delta Vision's strategic plan.   The Delta Plan is the key  
16 component of the implementation of that strategic plan.  
17 I'm going to focus my comments on the Delta Plan, not on  
18 the EIR or regulations.

19                  Like Mr. Edgar, we are not interested in  
20 interrupting your process.   We are trying to be  
21 constructive and help ensure the Delta Plan is a  
22 successful document and process for implementing the  
23 Delta Vision Strategic Plan.

24                  In looking at the final draft Delta Plan we  
25 really stepped back to look to see how effective is that



1 as a policy and plan document for achieving the goals and  
2 implementing Delta Vision Strategic Plan. And does that  
3 affectively describe this wicked problem in the Delta and  
4 the challenges and conflicts associated with that? And I  
5 think in that area it does a very good job. I actually  
6 still -- every time I read it I learn something new about  
7 the problems in the Delta or how current management works.  
8 So I think it's very affective at that. And it's  
9 relatively concise, which is hard to do.

10 The second question really doesn't set the state  
11 on a path to success. That is fundamentally different  
12 from prior plans. We've been around this loop several  
13 times of developing plans and trying to implement them and  
14 going back and developing more plans. So let me provide  
15 some overall comments and I'll drill down briefly.

16 I think, as I mentioned, I think it's very  
17 effective at describing the problem, the history of the  
18 conditions, current management and the challenges. I  
19 think it does a decent job of identifying strategies that  
20 are needed in each resource area to address the problems.  
21 However, I think there's more work that can be done to  
22 describe a fundamentally different management strategy  
23 that would lead to more effective implementation. And I  
24 think that specifically in some areas related to  
25 performance management, the linkages and integration and

1 near-term actions.

2           So we look at those areas specifically; linkages  
3 in integration, performance management. We also looked at  
4 and compared the strategies and actions in the Delta  
5 Vision Strategic Plan with a set of policies and  
6 recommendations and other actions of the Delta Plan. And  
7 I'll touch on a couple of things there. And we're also  
8 looking at funding and financing, which we'll submit some  
9 written comments on.

10           In terms of near-term actions, overall our sense  
11 continues to be that the Delta Plan does not communicate  
12 yet a sense of urgency. I know that council feels a sense  
13 of urgency, and I know the staff does and stakeholder as  
14 well. There's a level of frustration about  
15 implementation. And I think this is an area where some  
16 relatively minor improvements in the Delta Plan could  
17 communicate that sense of urgency and really start to  
18 advance things.

19           We looked at the 91 policies recommendations and  
20 council actions that are in the Delta Plan, and looked to  
21 see what type of action they directed. Notably that of  
22 those 91, 52 of them are about additional plans and  
23 studies, administration and governs or monitoring.  
24 They're not about actually doing and changing things.  
25 They're about more studying and more monitoring.

1           Only nine of the policies and recommendations are  
2 about physical or operational changes in the Delta.  
3 That's ten percent. And so I think that, from a broad  
4 perspective, sends a message that we need to look more at  
5 what are some of the near-term things that we can do to  
6 change conditions up there.

7           There are 21 that are about developing or  
8 implementing new recommendations. As far as I can tell  
9 there are no recommendations about pilot projects that are  
10 underway or should be initiated. So that would be an area  
11 where the Delta Plan can highlight some near-term things  
12 that either are already underway to address these problems  
13 or could be very shortly.

14           I didn't see any recommendations or discussions  
15 about existing regulations where those could be enforced  
16 more affectively. And so I think that's another area that  
17 would communicate some urgency, some action in the near  
18 term.

19           The other observation about the policies and  
20 recommendations is only a third of them have actual  
21 deadlines associated with them. I can certainly  
22 understand the policies wouldn't have a deadline. But  
23 there are 71 recommendations that only about a third of  
24 them have specific deadlines. So that, too, would create  
25 more of a sense of urgency if we're putting things on

1 timelines.

2           There's a good initial effort to identify the 13  
3 priority actions. Two are listed in chapter 1. I think  
4 there can be more emphasis on, "What does that mean? What  
5 does it mean to be a priority in action?" And I don't  
6 think it takes a lot to add a few things to the Delta  
7 Plan.

8           By the linkages, I think the Delta Plan continues  
9 to improve in communicating the linkages and integration  
10 that are really needed to solve these problems. Clearly  
11 every -- the document in whole and each chapter  
12 acknowledges and describes the two coequal goals and how  
13 they're relevant to that subject area. And I think that's  
14 really been a big improvement. But I think that an area  
15 where we need to focus, and I'll touch on this in a couple  
16 different ways, is the objectives of the plan. That the  
17 top level, I think the plan needs a more specific or even  
18 measurable set of objectives of how do we achieve the  
19 coequal goals and protecting and preserving the Delta as  
20 place.

21           Those discussions are of the objectives are  
22 either broadly designed as vision statements or they're  
23 put in sidebars. And I think more specific objectives  
24 would -- and defining those objectives in an  
25 integrated-length way -- and I'll give you one example,

1 and then we'll submit some more. But the concept of  
2 diverting more water wet years is less than dry years.  
3 That is an integrated objective that achieves both water  
4 supply or liability, and ecosystem restoration. So those  
5 kinds of objectives at the top level would help align all  
6 of the different interests that will pick at different  
7 parts of the plan on a common purpose.

8 Let me talk about performance management.  
9 Because it is a big focus of our effort across this whole  
10 Delta issue, and a substantial portion of our comments.

11 I think this is an area where some minor changes  
12 to the Delta Plan could set the Delta Plan in a new  
13 direction. And I think performance management is maybe  
14 the only tool that hasn't been tried effectively. We  
15 tried legal approaches, we've tried executive fiat. We've  
16 tried collaborative process. What we haven't really  
17 implemented is a true performance management approach that  
18 has the kind of objectivity, transparency and reporting  
19 that will hold everybody accountable for results.

20 So I think this is an area that appears to be  
21 more of an afterthought in the Delta Plan. And I think  
22 there's a few specific areas that I think could really  
23 improve. The adaptive management section I think is a  
24 good start. But when I talk about performance management,  
25 I mean more broadly than adaptive management. That it is

1 applying to organizational performances as well as  
2 environmental performance.

3         So I mentioned the need for top level objectives  
4 I would say throughout. And your adaptive management  
5 approach acknowledges that clear measurable objectives are  
6 a fundamental part of implementing adaptive management,  
7 and I would totally agree. And you provide some examples  
8 in the adaptive management sidebars. But the Delta Plan  
9 itself doesn't have those kind of clear measurable  
10 objectives at the top level or in each chapter.

11         So we have vision statements, we have some  
12 policies and recommendations and strategies. But we don't  
13 really define what are we trying to achieve in each issue  
14 area and how are we going to measure our progress to it.

15         So therefore the performance measures aren't tied  
16 to anything specific and measurable. So they also appear  
17 as an afterthought. We actually did a side-by-side  
18 comparison of the performance measures identified in the  
19 Delta Vision Strategic Plan as those in the Delta Plan.  
20 And it's pretty easy to see that I think you would have  
21 been better off bringing those over from the Delta Vision  
22 Strategic Plan and putting them in other examples.  
23 Because they're very clear and very succinct. They're  
24 tied to specific goals and strategies. And the current  
25 performance measures -- some of them aren't even

1 measurable in any logical way.

2           For example, when we're talking in chapter 7  
3 about reducing risk, the performance measure is no lives  
4 lost. Which we can only measure after the word  
5 catastrophe. So it's impossible to measure progress  
6 towards that goal. That doesn't measure progress or  
7 accomplishment until after the fact.

8           The last thing I would say about performance  
9 measures is that it's an area where I think there is an  
10 inadequate commitment by the council to action in this  
11 area. There is a -- I think it's a council action in  
12 Appendix C to do a report on performance measures. But I  
13 think a more concerted commitment as to how you will  
14 develop, implement, and track and report on the  
15 performance measures will really help the plan. And I  
16 really do think all of these things can be addressed quite  
17 simply and wouldn't disrupt your environmental review  
18 process or your regulatory process. But it would  
19 communicate more clearly that there's a sense of urgency  
20 and a sense of accountability in how we implement  
21 solutions.

22           And lastly, let me touch on the long-term  
23 implementation. A couple of iterations of the Delta Plan,  
24 we've compared the Delta Plan with the Delta Vision  
25 Strategic Plan. And I would be remised if I didn't

1 highlight a couple of things that I think are still  
2 missing in the Delta Plan. Although they may be a little  
3 harder to fix on the timeframe you're on.

4 First, there appear to be no policies or  
5 recommendations relating reducing fish losses. Either by  
6 improving fish migration cards or reducing in trainman  
7 losses or other actions. There is one recommendation  
8 related to perdition. Sort of indirectly related to  
9 perdition. But I think this is an area -- and maybe the  
10 strategy is deferring to BDCP -- they're going to fix the  
11 fish problems, but I don't think that's the appropriate  
12 strategy with the Delta Plan. I think there could be more  
13 attention and focus on even their term with the pilot  
14 studies and programs or various things that could more  
15 specifically address fish losses.

16 And then second, I think the area of water  
17 quality and salinity management is another one where the  
18 policies and recommendations -- actually, there are no  
19 policies on the recommendations. If the recommendations  
20 focus on regulatory action, which is certainly an  
21 important part of the mix of action of state or regional  
22 boards is certainly important. But there have, until very  
23 recently, been a number of studies or investigations of  
24 either operational or physical changes in the Delta that  
25 could improve salinity management, barriers, I think



1     there's a whole host of things we can be looking at in  
2     that area.  And those physical operations just don't  
3     appear in the note plan.

4             So with that I will conclude and send you more  
5     detailed comments on Monday.

6             MS. ISENBERG:  Thank you very much.

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1 KATHY MANNION

2 RCRC

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4 MR. ISENBERG: Ms. Mannion is up next. And  
5 Friends of Clear Lake, I think it's Cebelean, but I cannot  
6 read the printing. And we'll clarify that later.

7 Ms. Mannion?

8 MS. MANNION: Thank you, members of the council.

9 Kathy Mannion, representing RCRC 32 World  
10 Counties. I'm going to be commenting today on all three  
11 documents, but I will be brief. You do have our written  
12 comments. And I understood you did not want me to repeat  
13 the comments. But what I would like to do is at least  
14 verbally go over what is contained in our comments.

15 MR. ISENBERG: Sure.

16 MS. MANNION: We did, in looking at the  
17 documents, in looking at the timeframe and the timeline,  
18 decide to limit our comments to select issues of interest  
19 where we have recommended changes.

20 Our first comment dealt on page Roman Numeral 15.  
21 This first set of comments is regarding the final draft  
22 Delta Plan. The Delta Plan policies and recommendations  
23 WRP-1, which is reduced reliance on the Delta and improved  
24 self-reliance. What we've done is provide language that  
25 would clarify the intent of WRP-1 by indicating that

1 you're referring to urban and agricultural water suppliers  
2 who propose to undertake a current action. And we believe  
3 that clarification is needed so not to confuse a reader as  
4 to the scope of the council's authority.

5 Our second comment was on page Roman Numeral 18.  
6 Again, Delta policies and recommendations WRP-1 update  
7 Delta flow in that we indicated to the council that we  
8 believe the language is confusing in that it includes  
9 ERP-1, which is a regulatory policy. And the council's  
10 recommendation that the State Water Board take certain  
11 actions by specified stakes. We indicate that we believe  
12 ERP-1 should be limited to that which is within the  
13 authority of the council and that would be that the  
14 council would utilize the existing flow objective to  
15 determine consistency with the Delta Plan, until such time  
16 as the Water Board may revise the flow objectives.

17 And then I make some comments also regarding the  
18 regulatory policy, but I'll leave that for my last  
19 comments.

20 On page 59 lines 13 through 17 dealing with  
21 covered actions, consistency appeals, chapter 2 of the  
22 Delta Plan. This is in regards to the appeals. We  
23 believe that given that the council is charged with making  
24 the determination of consistency, allowing a member of the  
25 council or a staff member to file an appeal raises a

1 variety of questions. And we would recommend that the  
2 plan, in order to maintain the objectivity of the plan,  
3 should instead specifically state that the members of the  
4 council and the staff may not file an appeal in regards to  
5 the certification of the consistency. You can see the  
6 issue there.

7 Then on page 108, lines 15 to 20, WRP-1, reduced  
8 reliance on the Delta and improve regional self-reliance,  
9 chapter 3, and more reliable water supply for California,  
10 we again refer you to our recommended changes for  
11 language --

12 MR. ISENBERG: This is the language you're going  
13 to be stating in writing?

14 MS. MANNION: Currently you have that. That's  
15 why I don't want to repeat the exact language in the  
16 interest of time.

17 And then we also commented on page 155, 156,  
18 lines 37 through 10, ERP-1. Again, update the Delta flow  
19 objectives. Chapter 4, protect, restore and enhance the  
20 Delta ecosystem. Again, referring you to our previous  
21 comments in the same comment letter regarding the  
22 inclusion of what our recommendations in ERP-1. So you  
23 have that document.

24 Next to the recirculated draft Delta Plan, PEIR.  
25 First would just comment that we did submit extensive

1 comments previously. And many of those comments, in fact,  
2 just about all of them would still apply. But, again, our  
3 comments are very focussed.

4 On page 3-2, lines 29 through 37, underwater  
5 resources, we are proposing some language that would  
6 clarify in the discussion in regards to the areas upstream  
7 of the Delta and proposing a change in the language which  
8 would clarify, we believe, what should be intended there.

9 And our language that we've submitted, it really  
10 conforms to other verbiage in the document. And we feel  
11 it would eliminate potential confusion, and on the part of  
12 the reader as to the scope of the council's authority.

13 On page 3-7 and 3-8, lines 27 through 4, dealing  
14 with water resources. We are recommending that various  
15 statements contained in those lines, lines 27 through 4,  
16 as to the assumed outcome of the State Water Board's  
17 decision relating to the Delta Plan, that those be  
18 deleted.

19 Essentially, for example -- and I've given  
20 several examples. There's a statement that these water  
21 quality changes would benefit native species that evolved  
22 with a natural flow regime, that the objectives would seek  
23 to emulate. In other words, you're assuming as to what  
24 the final decision by the Water Board is going to be. So  
25 we're suggesting also that you might alternatively use the

1 terms "if" and "could." As the use of those terms would  
2 conform with language found in other sections of the DEIR.

3 And recognizing that the DEIR has multiple  
4 authors. You have different verbiage here and there. And  
5 we did find that the use of the term "apply" can be found  
6 in various sections of the document. And in other  
7 sections of the document there's the use of the word  
8 "encourage." We feel that the word "encourage" provides  
9 greater clarity and consistency. And we would ask that  
10 you look through the various sections and biological  
11 resources, Delta flood risk --

12 MR. ISENBERG: So you're suggesting using the  
13 word "encourage" as opposed to "apply"?

14 MS. MANNION: Yes. And it's usually associated  
15 with the discussion of the water supply that would have  
16 conformity in the document, and we feel would be clearer  
17 and add clarity.

18 And then on page 4-11, line 2 dealing with  
19 biological resources. Again, there is an assumption as to  
20 the end result of the Water Board's updating of the Bay  
21 Delta Plan. And at a minimum we would recommend that  
22 "would" would be replaced -- would be replaced by "could."  
23 So that there's not this assumption.

24 Then as to the notice of proposed rule making we  
25 have indicated in our previous letters concern in regards

1 to the lack of clarity in the Delta Plan, and that that  
2 could have been flow over to the regulations. And I  
3 believe that we have seen that as a result of the  
4 Delta Plan language itself. And the crux of the problem  
5 we've identified is the co-mingling of the Delta Plan  
6 regulatory policy with Delta Plan recommendations. In the  
7 proposed regulations. And we've provided several  
8 examples.

9           The first example is the co-mingling that can be  
10 found in the definition of achieving the coequal goals of  
11 providing a more reliable water supply in California. And  
12 then just as an example, we find the definition of WRP-1,  
13 which is a regulatory policy, and WRR-1 and WRR-4, both of  
14 which are contained in the Delta Plan as recommendations.

15           Another example is section 5005, which is to  
16 reduce reliance on the Delta through approved regional  
17 water self-reliance. We've looked at that, we're  
18 recommending that sections 505 A and B of the proposed  
19 regulations be deleted. We found that 505 C, D and E and  
20 section 505-2 are germane from within the scope of the  
21 council's regulatory authority. So we propose the changes  
22 there.

23           Our last example is in 5007, update Delta flow  
24 objectives. Section 5007 A and B are recommendations  
25 contained in the Delta Plan. We therefore feel that

1 they're inappropriately included in the regulations and  
2 we're proposing that they should be deleted. And we've  
3 also provided revised language to section 5007 C. And  
4 that, again, provides some clarity as to the authority of  
5 the Water Board and what point in time the Stewardship  
6 Council would utilize the flow objectives.

7 And so that's our comments.

8 MS. ISENBERG: Thank you, Ms. Mannion. And thank  
9 you for putting a lot of the stuff in writing in advance  
10 in other documents. It's the only way we can be sure of  
11 trying to keep track of the points you're making. We  
12 appreciate it.

13 Thank you.  
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1                                   JOHN CEBELEAN

2                                   FRIENDS OF CLEAR LAKE, INC.

3  
4                   MR. ISENBERG:   Doctor, come up here and spell the  
5   name so I can write it out and on our reporter transcript  
6   we can make sure to get your name correctly.

7                   MR. CEBELEAN:   Thank you very much.   Don't worry  
8   about it.

9                   MR. ISENBERG:   No, I gotta worry about it.   I  
10   noticed your NASA name on your coat.

11                  MR. CEBELEAN:   Yes, my name is John Cebelean or  
12   Dr. Cebelean.

13                  MR. ISENBERG:   How about spelling it for me.

14                  MR. CEBELEAN:   C-E-B-E-L-E-A-N.   Simple.

15                  MR. ISENBERG:   Okay.   Got it.

16                  MR. CEBELEAN:   We're ready?

17                  MR. ISENBERG:   Yes, sir.

18                  MR. CEBELEAN:   I'll try not to give you a  
19   headache.   There were too many behind me that I got tired  
20   of.   I'm from Mila (phonetic) County from the most  
21   beautiful lake in the world.   You, for whatever reason,  
22   you do not know the seriousness that Clear Lake is  
23   producing to Delta.   And I wonder why.   I was at your  
24   inauguration, and the first meeting after I had a chance  
25   to address to you, and I did.   I believe I left a serious

1 warning at the time that there we have a serious problem  
2 that extends not only one place, but for many places, and  
3 gets all together into one nest. And that's the Delta.

4 How in the world, I wonder -- and this is a  
5 question that you will be able to provide -- have the  
6 drinking supply water, uncontaminated the public without  
7 to remediate the problem that is causing the problem to  
8 the Delta. Unless you know who is causing the problem to  
9 solve the problem, what is the accomplishment? This is  
10 what I question.

11 Why are you not aware that Clear Lake alone sells  
12 you for nothing, one metric ton of mercury a year, plus  
13 arsonic, Biotone, Valium, putting in plenty of bacteria  
14 and plenty of agent orange. Using our water for mediate  
15 the aquatic plans in the water we drink, we consume. Why  
16 nobody pays any attention to this? This is what I'm going  
17 to assist. I am providing you with sufficient written  
18 material. Take a look. Seriously, Clear Lake provides 60  
19 percent of the mercury to the Delta. Then you have  
20 additional one, item line 10, but other heavy metal toxins  
21 than mercury. But you do have an mine which is totally  
22 unexplored. If the agents went into it and put a ten foot  
23 fence around, but it is leaking into the Delta also. I'll  
24 provide you this written material.

25 MR. ISENBERG: We will post them on the web. Do

1 you think they're capably scanned and reproduced easily?  
2 If they're maps or diagrams it's sometimes hard for us to  
3 reproduce a paper quality.

4 MR. CEBELEAN: Yes, you will be able. You are  
5 dealing with the most researched lake ever since 1947 up  
6 to the present time. UC Davis just finished 116 years of  
7 research on. The headache is still there. So I can  
8 provide you with any detailed information you would like.

9 MR. ISENBERG: If you could leave us a copy.

10 MR. CEBELEAN: Yes. I have two articles that I  
11 published and describes everything you want to know. The  
12 problem is in my articles.

13 MR. ISENBERG: Okay. At the end of your  
14 testimony --

15 MR. CEBELEAN: And I have a card here with all  
16 information for you to get in touch with me.

17 MR. ISENBERG: Okay. And the young lady back  
18 there with blond hair will take that packet of material  
19 and see that it's posted.

20 MR. CEBELEAN: Well, I hope she'll post it  
21 properly. So, I better hit the road because I have an  
22 additional three hours to go back. But it has been all  
23 warranted. Thank you very much.

24 MR. ISENBERG: Pleasure to see you. Thank you,  
25 Doctor.

LINDA DORN

SACRAMENTO REGIONAL COUNTY SANITATION DISTRICT

MR. ISENBERG: Okay. The next speaker is Linda Dorn, and Doug Wallace is the last person.

MS. DORN: Good afternoon, Chair Isenberg and Council Member Notolli. The brief in my comments, they will be both on the EIR recirculated, the EIR, and the Delta Plan. But we're submitting detailed written comments. And I wish I could say they were to you already. I'd have a better weekend.

MR. ISENBERG: The fact that you are doing it and have had comments before it, makes our job measurably better by having stuff to compare to the written comments and focus them on. So thank you for doing that.

MS. DORN: So I'll be brief. Actually my comments are two requests. And the first request has to do with financing the Delta Plan. And the second request has to do with development of the Delta Science Plan. The second one is probably more related to the Delta Plan, but there's a relationship to be circulated to the IR. And in going through both the Delta Plan and the EIR, it became very apparent to me how important this area of agency will be. Specifically in developing a finance plan.

And the interagency implementation committee will

1 be stated in federal agencies and will look at developing  
2 work routes specifically to finance client development.  
3 So our request is on actually behalf of the Waste Water  
4 Agencies throughout the state to participate on any work  
5 group that is foreign through the interagency committee  
6 for developing a finance plan. And if there was an  
7 ability to have associations represented on that  
8 committee, we would recommend the statewide association  
9 for various associations to be a part of it.

10 Also I think that because the discussion of  
11 funding options for the finance plan has had a focus on  
12 other stressor fees, that waste water discharges have been  
13 discussed in that frame. And we have a very good  
14 understanding of fees and structuring of them and how you  
15 work with Prop 218. So the knowledge that we have as an  
16 industry could be helpful on this committee. It's not  
17 just to cause trouble.

18 The second request is to also participate. And  
19 that is in the development of the Delta Science Plan.  
20 Now, I know that there has been a lot of discussion and  
21 that Peter Goodwin had been directed with some flame put  
22 to his feet on coming up with an outline in moving forward  
23 quickly on this. I'm not sure that's the best approach.  
24 A good Delta Science Plan could take some time. And  
25 particularly the more folks and stakeholders that you

1 would involve in it would make you take more time, but you  
2 would end up with better plan in the end.

3 We've been speaking with Peter Goodwin, so it's  
4 not like this request is coming out of the blue. I also  
5 participated in the Delta Science Conference.

6 MR. ISENBERG: Where they have the luncheons town  
7 home meetings?

8 MS. DORN: Yes. We participated in that and  
9 filled out the form. So I'm making sure the request is  
10 made here in relationship to the Delta claim and EIR.

11 We also made presentation at the State Water  
12 Board's flow meeting that happened this past fall where we  
13 focused on the importance of integrated science to  
14 coordination and collaboration. And that's another reason  
15 why we're requested to participate in the Delta Science  
16 Plan.

17 We're also currently participating as a  
18 stakeholder on the steering committee for developing a  
19 Delta Regional Monitoring Program in relationship to water  
20 quality, but could be more. So I think that's another  
21 good reason for having a Sacramento Regional County  
22 participate in the development of Delta Science Plan.

23 And that's really all I have for comments to  
24 request.

25 MR. ISENBERG: Thank you very much.

1           Mr. Wallice? I saw you somewhere. Where are  
2 you?

3           MR. NICKEL: He had to leave.

4           MR. ISENBERG: Okay. Mr. Nickel, are you going  
5 to present his testimony?

6           Well, let's, Members, for the record, let's note  
7 that Mr. Doug Wallice, representing the East Bay Municipal  
8 Utility District based in Oakland had wanted to testify on  
9 the rule making -- and I can't read his handwriting. It's  
10 either rule making exchange or rule making garbage or  
11 something. I just can't read what he put. And I put on  
12 the form that he had to leave and is not able to testify.

13           Mr. Nickel, as punishment for raising your hand  
14 on the issue, will you please call him and urge him to  
15 submit any written comments to explain what he wanted to  
16 say here in time for our deadline? I would appreciate  
17 that.

18           Any other blue forms?

19           Okay. Ladies and gentlemen, thank you very much  
20 for coming. As you know, this meeting was suggested by  
21 Supervisor Notolli. And I think it was a wise suggestion  
22 to give another opportunity to some who do not plan on  
23 submitting written comments but also wanted to say other  
24 things or early things. And this has been useful to our  
25 staff.

1           And just a reminder on next council meeting,  
2   which is the 24th of January and it's in West Sacramento,  
3   is my recollection, in regular location at the Radisson  
4   Hotel -- Ramada Inn in West Sacramento, we'll be  
5   conducting a hearing focused on rule-making portion.

6           There will be other council business, of course.  
7   But there will be a special hearing with a court reporter,  
8   and that portion will be directed to the rule-making  
9   hearing.

10           Let's see, our general council was working in the  
11   back.

12           Mr. Stephens, what does a hand raised, waiving  
13   back and forth mean? We're okay?

14           MR. STEPHENS: I think we're doing good.

15           MR. ISENBERG: In the absence of other people  
16   submitting forms to speak to the council, ladies and  
17   gentlemen, thank you very much. The meeting is adjourned.  
18   We appreciate your time.

19           (Whereupon the meeting was adjourned at  
20   3:37 p.m.)

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REPORTER'S CERTIFICATE

STATE OF CALIFORNIA     )  
                                  )     ss  
COUNTY OF SACRAMENTO   )

I, JILLIAN M. BASSETT, a Certified Shorthand Reporter, licensed by the state of California and empowered to administer oaths and affirmations pursuant to Section 2093 (b) of the Code of Civil Procedure, do hereby certify:

The said proceedings were recorded stenographically by me and were thereafter transcribed under my direction via computer-assisted transcription;

That the foregoing transcript is a true record of the proceedings which then and there took place;

That I am a disinterested person to said action.

IN WITNESS WHEREOF, I have subscribed my name on January 28, 2013.

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JILLIAN M. BASSETT  
Certified Shorthand Reporter No. 13619